

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ASTELLAS INSTITUTE FOR REGENERATIVE
MEDICINE, and STEM CELL & REGENERATIVE
MEDICINE INTERNATIONAL, INC.,

Plaintiffs and Counterclaim-Defendants,

v.

IMSTEM BIOTECHNOLOGY, INC., XIAOFANG
WANG, and REN-HE XU,

Defendants and Counterclaim-Plaintiffs.

C.A. NO. 1:17-cv-12239-ADB

PLAINTIFFS' MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT

Pursuant to Rules 15 and 16(b)(4) of the Federal Rules of Civil Procedure, Plaintiffs Astellas Institute for Regenerative Medicine (“Astellas”) and Stem Cell & Regenerative Medicine International, Inc. (“SCRMI”) (collectively “Plaintiffs”) hereby move for leave to file an Amended Complaint adding a new count for breach of contract.

In support, Plaintiffs rely on the memorandum submitted concurrently herewith and the accompanying declaration of Lauren K. Sharkey and exhibits. A copy of Plaintiffs’ proposed Amended Complaint is attached hereto as Exhibit A. A redline version of the proposed Amended Complaint is attached hereto as Exhibit B.

WHEREFORE, Plaintiffs respectfully request that the Court grant this Motion for Leave to File an Amended Complaint.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Plaintiffs respectfully request oral argument on their Motion for Leave to File an Amended Complaint.

Dated: September 13, 2019

Respectfully submitted,

/s/ David P. Frazier

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LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), I hereby certify that counsel for Plaintiffs has conferred with counsel for ImStem, Xiaofang Wang, and Ren-He Xu in a good faith effort to resolve or narrow the issues presented in this motion. Defendants oppose the motion.

/s/ David P. Frazier _____

David P. Frazier

CERTIFICATE OF SERVICE

I hereby certify that this document, which was filed with the Court through the CM/ECF system, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent via first class mail on September 13, 2019 to those identified as non-registered participants.

/s/ David P. Frazier _____

David P. Frazier